



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Serving Maine People & Protecting Their Environment

ENVIRONMENTAL MANAGEMENT SYSTEM INCENTIVE POLICY

I. INTRODUCTION

This document establishes the Maine Department of Environmental Protection's (Department) policy for promoting environmental management system (EMS) use. This Policy outlines examples of incentives that the Department may use to encourage the implementation of environmental management system pilot projects at regulated facilities.

The widespread implementation of EMSs in organizations throughout the State will achieve a level of environmental protection not attainable through ad hoc compliance evaluations. This Policy applies in all Department media programs in order to encourage regulated entities to implement systematic whole-facility approaches to environmental issues. The Department believes that systematic management will continually increase environmental performance, thereby reducing the need for regulator oversight and improving the quality of Maine's environment. This Policy has been developed pursuant to Maine Law, 38 M.R.S.A. § 343-G(1), and is effective upon publication.

II. APPLICABILITY

To be eligible for the incentives established in the *Operation* section of this Policy, a facility must have developed and implemented an EMS certified by an accredited 3rd-party certification body as conforming to the requirements of the International Organization for Standardization (ISO) standard 14001 (ISO 14001:1996). Upon completion of this certification, the incentives established in the *Operation* Section of this Policy may be available at a facility that has:

1. demonstrated full compliance with all applicable state and federal environmental laws, rules, regulations, licenses and permits during the two (2) calendar years prior to the period for which the entity is seeking an incentive; and,
2. demonstrated improved environmental performance during the two (2) calendar years prior to the period for which the entity is seeking an incentive that resulted in pollution prevention and reduction; and,
3. offered the public an opportunity to participate in the development of any proposed incentives; and,
4. offered the Department an opportunity to participate in at least one (1) environmental management system 3rd-party surveillance audit during the two (2) calendar years prior to the period for which the entity is seeking an incentive.

III. OPERATION

The following are examples of incentives that a facility meeting the criteria described in this Policy's *Applicability* Section may seek from the Department:



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Serving Maine People & Protecting Their Environment

1. Alternative schedules for routine compliance inspections; and,
2. Alternative record-keeping and reporting systems that provide equal or improved public access to information and do not result in any reduction in content or quality of information; and,
3. Public recognition by the Department.

For an entity to implement any incentive at a facility, it must submit a written request to the Department's EMS Coordinator that fully describes its achievement of all the criteria listed in this Policy's *Applicability* Section. The request must also describe, in detail, the incentives being proposed for that facility. The Department has developed an application form to assist entities with formulating this written request. The Department will review and may comment on the written request. The EMS Workgroup and affected staff will be involved in making a recommendation to the Commissioner. This review process may include the identification of supplemental information that the Department has determined necessary to allow a decision to be made on the request.

IV. DURATION OF INCENTIVES

An entity implementing an incentive granted by the Commissioner must annually certify to the Department that the eligibility requirements listed in this Policy's *Applicability* Section continue to be met. Any incentive(s) granted to a facility shall be revoked if the Commissioner finds that the entity no longer meets the eligibility requirements listed in this Policy's *Applicability* Section.